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Comments on Department of Agriculture Proposed Standards for Livestock and Meat Marketing
Claims (Doc. No. LS-02-02)

In giving regulatory definitions to general labeling terms it is essential that the definition parallel the expectation of the general consumer as consumers will not have access to the Federal Register, and seeking to re-educate the entire consuming public about the meaning of a phrase is next to impossible. For a majority of the terms considered in the proposal the agency has done a good job of providing a definition that carries out the preexisting general understanding of the term. The exception is the term "grass fed". Also, some additional terms might be added to the list of defined terms, as long as the effort is being undertaken anyways.

1. In broader society the phrase "grass fed" contemplates two primary aspects. First, as reflective of meat which provides health benefits for humans. This includes what is present in the meat and what is not present. Second, the quality of life for the animal. The phrase gives rise to the expectation that an animal is generally able to range free, having access to shelter and protection as needed. The animal lives on the grass/pasture, and is being fed grass/hay during the winter. Contrary to both aspects of the phrase is the idea that the animal spends any time in a feed lot. Therefore the definition should have a negative component. To describe an animal as "grass fed" should also mean that it did not spend any time at a feed lot; likewise it should not be grain feed at the slaughter house at all.

The proposed definition allows months of finishing at a feed lot. This negates both the beneficial aspects to humans for eating grass feed beef and the quality of life for the animal who is taken off open lands and put into feed lots. Grain should not be used at any time in the animal's life unless it is a necessary supplement because an animal is nursing young, or extreme environmental conditions require the emergency use of grain to assure the health of the animal. Even then, grain should not exceed 10% of the daily feed.

In light of all these concerns, the following definition is offered:

Grass Fed – Grass in pasture or in cut form shall be used for the food source for animals, unless it is necessary to provide a supplement because an animal is nursing young, or in extreme environmental conditions to assure the health of the animal. In no circumstance should the amount of grain exceed 10% of the daily feed. In no case shall an animal be fed grain at a feed lot or at a slaughter house.

The proposed rules as now set out use the phrase “grass pasture, green pasture or range pasture” in such a way as to suggest these are separate categories. If this is true then the proposal needs to explain more clearly what the differences are. It should also make it clear that the use of hay and grass silage (haylage) as required by the weather and environment is appropriate. The term “grain fed” would not include hay or pasture which has grain heads as a naturally occurring portion of the general hay, silage or pasture.

2. For many animals that are “grass fed” there is one additional question which the proposed standards do not address. Many consumers want information about the place and conditions of slaughter, beyond that required by the federal law. A majority of animals will continue to be slaughtered at large centralized, commercial operations. However, new options are becoming available for those who care about the end of life for our meat animals.

If an animal has been grass fed then it should also be allowed to be identified as “pasture slaughtered” or “neighborhood slaughtered”. The phrase “pasture slaughtered” can be used when the animal was raised for at least the last half of its life on a particular farm and then humanely killed while on that farm. There is no transportation to a slaughter house. Alternatively, “neighborhood slaughtered” can be used when the animal was grass fed for at least the last half of its life on one farm and then humanely transported to a place of slaughter that required no more than two hours in transportation and three hours of wait at the place of slaughter.

These two items are suggested for your consideration as I believe they represent a market differentiation for which many purchasers will be willing to pay a premium price.

Yours truly,

A handwritten signature in cursive script, appearing to read "David Favre".

David Favre

The positions stated in this letter do not reflect any position of the College of Law